

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	06-00102-01-CR-W-DW
JOSE CASTELLANOS,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on September 20, 2006. Defendant Jose Castellanos appeared in person and with Assistant Federal Public Defender Steve Moss. The United States of America appeared by Assistant United States Attorney Kathleen Mahoney.

I. BACKGROUND

On March 14, 2006, an indictment was returned charging defendant with conspiracy to distribute methamphetamine, in violation of 21 U.S.C. § 846; possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A); possessing firearms and ammunition while in the United States illegally, in violation of 18 U.S.C. §§ 922(g)(5) and 924(a)(2); unlawful reentry into the United States after having been deported, in violation of 8 U.S.C. § 1326(a); and criminal forfeiture pursuant to 21 U.S.C. § 853.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Mahoney announced that she will be the trial counsel for the government. The case agent to be seated at counsel table is ATF Special Agent Christopher Allen.

Mr. Moss announced that he will be the trial counsel for defendant Jose Castellanos. Aimee Edington, investigator, will also be at counsel table.

III. OUTSTANDING MOTIONS

There are no outstanding motions.

IV. TRIAL WITNESSES

Ms. Mahoney announced that the government intends to call 10 witnesses without stipulations or 8 witnesses with stipulations during the trial.

Mr. Moss announced that defendant Jose Castellanos intends to call 5 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Ms. Mahoney announced that the government will offer approximately 50 exhibits in evidence during the trial.

Mr. Moss announced that defendant Jose Castellanos will offer approximately 10 exhibits in evidence during the trial.

VI. DEFENSES

Mr. Moss announced that defendant Jose Castellanos will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Moss stated this case may be for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody, chemist's reports, and interstate nexus.

IX. TRIAL TIME

Counsel were in agreement that this case will take 1 1/2 to 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed March 29, 2006, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by September 20, 2006;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, September 27, 2006;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, September 27, 2006. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if possible, in a form compatible with WordPerfect e-mailed to the courtroom deputy of the district judge trying the case.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on October 2, 2006. **Both counsel have requested the second week of the trial docket.**

A Spanish-speaking interpreter is required.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
September 20, 2006

cc: The Honorable Dean Whipple
Ms. Kathleen Mahoney
Mr. Steve Moss
Mr. Jeff Burkholder